

### **REMARKS/ARGUMENTS**

In the Office Action mailed August 11, 2005, claims 1-20 were rejected. Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references.

Claim 1 has been amended. No claims have been added. No claims have been cancelled. As such, claims 1-20 remain pending.

### **CLAIM REJECTIONS – 35 U.S.C. § 102(b)**

The Examiner rejected claims 1-3, 6-8, 10-17 and 19-20 under 35 U.S.C. § 102(b) as being anticipated over United States Patent No. 4,048,654 to Wegner (hereinafter referred to as "Wegner"). In light of the following remarks, Applicants respectfully submit that these claims are allowable.

Initially, Applicants note that it is axiomatic that to qualify as an anticipation under Section 102, the cited reference must "bear within its four corners adequate directions for the practice of the patent invalidated." (See, for example, Dewey & Almay Chemical Co. v. Mimex Co., Inc., 52 U.S.P.Q. 138 (2<sup>nd</sup> Cir. 1942)). Applicants respectfully submit that Wegner offers no such directions.

The present invention is related to the audio monitoring or detection of events produced by signals generated by locators, sonars or other prospection devices. The present invention is directed to discriminating signals exhibiting little variation in their phase component. The presently claimed invention separates the signal into two processing paths, an amplitude and phase. In the phase path, the phase is differentiated, up sampled and scaled up (frequency

stretching) before being mixed with a signal carrier located in the audio frequency range. In the amplitude path, the amplitude is up sample and finally both phase and amplitude component are combined to generate an audible signal that is delivered to an audio transducer.

Wegner is directed towards a compatible stereophonic television sound transmission system for transmitting left and right audio signals in conjunction with a television broadcast. Video information is conveyed on an amplitude-modulated carrier in a frequency channel having defined frequency limits.

At the very least, Wegner does not determine phase-derivative information from said phase information and subsequently apply frequency gain to the phase derivative information as is currently claimed in independent claims 1, 13, 16 and 20. The Office Action points to specific sections of Wegner to support the above claimed features. For example, the Office Action cites to Fig. 8, element AGC, as applying frequency gain to said phase- derivative information. However, Applicants respectfully note that neither Fig. 8 nor the disclosure of the Fig. 8 disclose applying frequency gain to the phase derivative information. As such, Wegner does not disclose all the limitation to support an anticipation rejection under 35 U.S.C. § 102 (b). Applicants, therefore, respectfully request that the rejection to claims 1, 13, 16 and 20 be removed.

In light of the foregoing arguments, withdrawal of the rejection of claims 1, 13, 16 and 20 under 35 U.S.C. § 102(a) as being anticipated by Wegner is respectfully requested.

Claims 2, 3, 6-8 and 10-12 depend, directly or indirectly from claim 1. As such, these claims are allowable at least to their dependency from an allowable claim. Applicants respectfully request that the rejection to these claims be removed.

Claims 14 and 15 depend, directly or indirectly from claim 13. As such, these claims are allowable at least to their dependency from an allowable claim. Applicants respectfully request that the rejection to these claims be removed.

Claims 17-19 depend, directly or indirectly from claim 16. As such, these claims are allowable at least to their dependency from an allowable claim. Applicants respectfully request that the rejection to these claims be removed.

### **CLAIM REJECTIONS – 35 U.S.C. § 103(a)**

The Examiner rejected claims 4 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Wegner as applied in claim 3, and further in view of U.S. Patent No. 6,732,070 to Rotpla-Pukkile, et al. (hereinafter referred to as “Rotpla-Pukkila”). Additionally, claims 9 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wegner.

The Examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. *MPEP* §2142. To establish a prima facie case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, to modify the references or to combine reference teachings. Second, there must be reasonable expectation of success. Finally, the prior art must teach all the claim limitations. *MPEP* §2142.

Claims 4, 5 and 9 indirectly depend from claim 1, which is allowed in light of the above arguments. Therefore, claims 4, 5 and 9 are allowable at least due to their dependency from an allowed claim. Applicants therefore respectfully request that the rejection to these claims be removed.

Claim 18 indirectly depends from claim 16, which is allowed in light of the above arguments. Therefore, claim 18 is allowable at least due to its dependency from an allowed claim. Applicants therefore respectfully request that the rejection to this claim be removed.

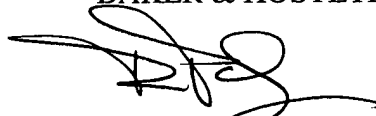
### CONCLUSION

In view of the foregoing remarks, Applicants respectfully request all the objections and rejections to the specification and claims be removed. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1703 in an effort to resolve any matter still outstanding before issuing another action. The undersigned attorney is confident that any issue, which might remain, can readily be worked out by telephone.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 87288.1620.

Respectfully submitted,

BAKER & HOSTETLER LLP



Dennis P. Cawley  
Reg. No. 44,598

Date: 2/13/05  
Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036-5304  
Telephone: 202-861-1500  
Facsimile: 202-861-1783